

REMARKS

In the previous amendment, the applicant said in remarks that it amended claim 47 to incorporate the limitations of claim 48, namely that the hotspot includes an icon. However, the amendment did not include language to define what is meant by "icon".

The Examiner rejected claim 47 as amended and stated in her action that she interpreted the word "icon" to describe the hotspot in the Erickson system which is labeled "Licenseit!". The applicant has further amended claim 47 to specify "an icon comprising a non-verbal representation of a visual object". Erickson does not disclose or suggest the use of a hotspot containing an icon thus defined. The symbols within the hotspot of Erickson are entirely verbal. In the absence of written language, they have no meaning. By contrast, the applicant's disclosure shows an icon in the form of a symbolic representation of a house. A house is a visual object and the icon in the applicant's disclosure is a non-verbal representation of this object.

The use of non-verbal visual representations of objects as a means for communicating with humans has a unique power that goes far beyond the capabilities of written language. This is a reason why such icons have become pervasive in computer systems, highway signs, labels of consumer products of all kinds, and elevators. Because "a picture is worth a thousand words", an icon comprising a non-verbal representation of a visual object can communicate very quickly more information than can be represented with an equivalent amount of text. This is an important improvement over the Erickson system. There is neither a suggestion of the use of this type of icon in Erickson nor any suggestion of combining Erickson with any other prior art to use such an icon for communicating the features of this system.

Because claim 84 is very similar to claim 47 and was created by adding a different limitation to the former claim 47, it is discussed next, out of numerical order. As stated by the applicant in remarks submitted with the prior response to an office action, claim 84 was added to focus on a limitation that the hotspot is within the document itself rather than viewable in a separate window as data associated with the document but not contained within the document. In the office action mailed October 8, 2003, the Examiner did not address this aspect of amended claim 84. Claim 84 should have been allowed for the reason stated.

Nevertheless, the applicant has taken this opportunity to further amend claim 84 to further clarify this limitation. The applicant has added the words “viewable in a single window” to clarify a distinction from a system where a document has more than one part and must be viewed in more than one window to see each part and the hotspot is located in a separate viewable window from the work of authorship itself. In its prior form and as amended, claim 84 is allowable over the cited prior art.

Regarding claim 57, which has not been amended, applicant stated in the prior response to the prior office action: “The Erickson system does not provide to any client computer a unique license identifier to identify a record with information about a granted license.” In the most recent office action, the Examiner suggests that the invention specified by claim 57 is taught by Erickson’s Source Work Extensions, particularly at column 11 line 65 to column 12 line 11.

The Source Work Extensions of Erickson do not teach the limitations of claim 57. In the method of claim 57, a server receives from a client computer an acceptance of an offered license and, “in response” creates “a record associated with said accepted license and containing information about said accepted license, said record identified by a unique license identifier and accessible by said client computer.” This is not taught by Erickson.

The Erickson Source Work Extensions specify each preexisting work of authorship from which the present work of authorship was derived. The Source Work Extensions contain no information about any license that may have been granted for the source work used in preparation of the derivative work. The Examiner states that the Source Work Extensions allow a viewer of a work to view a document ID for each source work from which the present work was derived and a permissions mask (set of permitted actions) with respect to each source work. Neither the document ID nor the permissions mask gives information about whether a license was granted for the use of the source work in the derivative work or the terms of any such license.

The system invented by Erickson specifically contemplates that, when works of authorship are published, permissions to use them for preparing derivative works will be included. If a derivative work is prepared within the scope of these permissions, no further license is required and the source work will be listed in the Source Work Extensions for the derivative work. In the case just described, for the listed source work, there is no license granted.

The Source Work Extensions cannot present information about a license if no license was granted. As taught by Erickson, a source work will be listed in the Source Work Extensions whether or not a license was required for its use. The purpose of the Source Work Extensions is to “provide a bibliography of the authors of the media so that the appropriate authors are credited with their works even after the works are edited by a derivative author” column 5 lines 62 – 64.

Furthermore, Erickson teaches away from the invention of claim 57. Erickson teaches that, to prevent improper copying, each work of authorship should be encrypted and should include digital signatures so that uses of the work can be accurately tracked. As explained in the background and summary sections of the present invention, this prior art approach to solving copyright clearance problems is too cumbersome. Consequently, the present inventor designed a system that relies on transparency of information rather than technical limitations to persuade compliance with copyrights. That is, the system allows any viewer of a derivative work to look up a license record and determine whether a license was granted for use of a source work and the scope of the terms of that license. If the terms of a license have been exceeded, the viewer can discover this fact. Claim 57 is directed to a method for making licensing transaction information available to the viewers of derivative works of authorship so that voluntary compliance with copyrights can be obtained as a result of transparency of information. This method contrasts sharply with the methods taught by Erickson to achieve the same goals.

Regarding claims 72 and 77, applicant argued in the previous response to the previous office action that claims 72 and 77 are allowable for the same reason as claim 57. Element (b) of claim 72 is focused on the same feature as the focus of claim 57. The Examiner rejected claims 72 and 77 on the same basis as the rejection of claim 57, the Source Work Extensions discussed in column 11 line 65 to column 12 line 15. The analysis above again applies to claims 72 and 77. Claims 72 and 77 are allowable for the same reason as claim 57.

The remaining claims all depend from the claims discussed above. Because the claims discussed above are allowable for the reasons discussed, the remaining claims are therefore also allowable.

Independent claims 57, 72, and 77 are the same as they were when the Examiner made the recent rejection. The arguments made in the prior response by the applicant were not refuted by the new analysis presented by the Examiner in this recent rejection, and the analysis was based on the same prior art as before. The recent office action should have included an allowance of claims 57, 72, and 77. If they are not now deemed allowable, an appeal will be necessary.

Claims 47 and 84 now clearly specify the limitations cited by the applicant in its prior response as grounds for allowance. The further clarifications added with this response now place these claims in allowable form. If the Examiner disagrees, the amendments should be allowed after final because they place the claims in a more clear form for appeal.

If the Examiner has any questions regarding this matter, applicant requests the Examiner contact the undersigned at the number listed below

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